

**AN ORDINANCE
BY COMMITTEE ON COUNCIL**

08- 0 -2270

AN ORDINANCE TO CREATE A NEW SECTION OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA GEORGIA DESIGNATED AS SECTION 2-37.1 TO BE ENTITLED "SUCCESSION TO THE OFFICE OF MAYOR, OFFICE OF COUNCIL PRESIDENT AND POSITION OF COUNCIL PRESIDENT PRO TEMPORE" AND TO SET FORTH THE PROCESS AND PROCEDURE TO BE APPLIED IN THE EVENT OF A VACANCY IN THE OFFICE OF THE MAYOR OR COUNCIL PRESIDENT AND/OR IN THE POSITION OF COUNCIL PRESIDENT PRO TEMPORE; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, Section 2-305 of the Charter of the City of Atlanta, Georgia (the "Charter") provides that "The council shall by ordinance establish a line of succession to the offices of mayor and president of council beyond that specified in [the] Charter"; and

WHEREAS, since the passage of the Charter in 1996, a clear line of succession to the offices of mayor and council president beyond that specified in the Charter, has not been set forth in a single succession ordinance; and

WHEREAS, in addition to the need to establish the process and procedure to be applied in the event of a vacancy in the office of the mayor and/or council president, the same must be done with respect to the position of council president pro tempore.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA., GEORGIA as follows:

Section 1: Section 2-37.1 of the Code of Ordinances of the City of Atlanta, Georgia is hereby created, shall be entitled "Succession to the office of mayor, office of council president and position of council president pro tempore" and shall provide as follows:

Section 2-37.1. Succession to the office of mayor, office of council president and position of council president pro tempore.

(A) Vacancy in the office of mayor.

(1) In the event the office of mayor shall become vacant by reason of death, resignation, or any other cause, the council president shall immediately exercise all powers and discharge all duties of the mayor as provided in Section 2-203 (a)(4) of the Charter for the duration of the term of office or until a special election can be conducted pursuant to the terms of Section 5-103 of the Charter.

(2) Upon the council president exercising all powers and discharging all duties of the mayor, the council president pro tempore shall immediately exercise all powers and discharge all duties of the council president for the duration of the term of office or until a special election can be conducted pursuant to the terms of Section 5-103 of the Charter. Upon the council president pro tempore

exercising all powers and discharging all duties of the council president he/she shall not be entitled to also vote as a member of council.

(3) Upon the council president pro tempore exercising all powers and discharging all duties of the council president, the council member possessing the highest number of years seniority in terms of successive years of service on the council, shall act as the council president pro tempore. If two or more council members are of equal seniority, upon the declaration of a quorum at the next held regular or special called meeting of the Council after the vacancy occurs, the names of the members with equal seniority will be placed in a lottery with a single name to be drawn by the municipal clerk or deputy municipal clerk, who will then announce the name of the acting council president pro tempore who shall serve for the remainder of the then calendar year; at which time the election of a new council president pro tempore occurs based on the natural rotation as provided in Code Section 2-36 (e), or for the duration of the term of office, or until a special election can be conducted pursuant to the terms of Section 5-103 of the Charter, whichever occurs first.

(4) In the event that the council president pro tempore exercises all powers and discharges all duties of the council president, a temporary council vacancy shall occur in his/her seat which shall be filled pursuant to Code Section 2-37.

(5) If a special election shall occur, once such special election has been conducted to fill the office of mayor and a new mayor has been elected and sworn into office, the council president shall immediately resume his/her duties as council president, the council president pro tempore shall immediately return to his/her council seat and shall resume his/her duties as council member and

council president pro tempore or a new council president pro tempore shall be elected based on the natural rotation as provided in Code Section 2-36(e) depending upon which point in the calendar year the special election occurs, the council member acting in the capacity of council president pro tempore shall no longer act in that capacity; and the person appointed by council to fill the temporary council vacancy caused by this succession shall no longer serve in the capacity of council member.

(B) Vacancy in the office of council president.

(1) In the event the office of council president shall become vacant by reason of death, resignation, or any other cause, the council president pro tempore shall immediately exercise all powers and discharge all duties of the council president for the duration of the term of office or until a special election can be conducted pursuant to the terms of Section 5-103 of the Charter.

(2) Upon the council president pro tempore exercising all powers and discharging all duties of the council president, the council member possessing the highest number of years seniority in terms of successive years of service on the council, shall act as the council president pro tempore. If two or more council members are of equal seniority, upon the declaration of a quorum at the next held regular or special called meeting of the Council after the vacancy occurs, the names of the members with equal seniority will be placed in a lottery with a single name to be drawn by the municipal clerk or deputy municipal clerk, who will then announce the name of the acting council president pro tempore who shall serve for the remainder of the then calendar year; at which time the election of a new council president pro tempore occurs

based on the natural rotation as provided in Code Section 2-36 (e), or for the duration of the term of office, or until a special election can be conducted pursuant to the terms of Section 5-103 of the Charter, whichever occurs first.

(3) In the event that the council president pro tempore exercises all powers and discharges all duties of the council president, a temporary council vacancy shall occur in his/her seat which shall be filled pursuant to Code Section 2-37.

(4) If a special election shall occur, once such special election has been conducted to fill the office of council president and a new council president has been elected and sworn into office, the council president pro tempore exercising all powers and discharging all duties of the council president shall immediately return to his/her council seat and shall resume his/her duties as council member and as council president pro tempore or a new council president pro tempore shall be elected based on the natural rotation as provided in Code Section 2-36(e) depending upon which point in the calendar year the special election occurs; the council member acting in the capacity of council president pro tempore shall no longer act in that capacity; and the person appointed by council to fill the temporary council vacancy caused by this succession shall no longer serve in the capacity of council member.

(C) Vacancy in the position of council president pro tempore.

(1) In the event that the position of council president pro tempore shall become vacant by reason of death, resignation, or any other cause, the council member possessing the highest number of years seniority in terms of successive years of service on the council, shall act as the council president pro tempore. If two or more council members are of equal seniority, upon the declaration of a quorum at the next held regular or special called meeting of the Council after the vacancy occurs, the names of the members with equal seniority will be placed in a lottery with a single name to be drawn by the municipal clerk or deputy municipal clerk, who will then announce the name of the acting council president pro tempore who shall serve for the remainder of the then calendar year, at which time the election of a new council president pro tempore occurs based on the natural rotation.

(D) Vacancy in both the office of mayor and council president.

(1) In the event the office of both mayor and council president shall become vacant by reason of death, resignation, or any other cause, the council president pro tempore shall immediately exercise all powers and discharge all duties of the mayor for the duration of the term of office or until a special election can be conducted pursuant to the terms of Section 5-103 of the Charter.

(2) Upon the council president pro tempore exercising all powers and discharging all duties of the mayor, the council member possessing the highest number of years seniority in terms of successive years of service on the council, shall exercise the powers and discharge all duties of the council president. If two or more council members are of equal seniority, upon the declaration of a quorum at the next held regular or special called meeting of the Council after the vacancy occurs, the names of the members with equal seniority will be placed in a lottery with a single name to be drawn by the municipal clerk or deputy municipal clerk, who will then announce the name of the council member who shall exercise all powers and discharge all duties of the council

president and who shall serve for the duration of the term of office or until a special election can be conducted pursuant to the terms of Section 5-103 of the Charter.

(3) The council member possessing the second highest number of years seniority in terms of successive years of service on the council, shall act as council president pro tempore. If two or more council members are of equal seniority, upon the declaration of a quorum at the next held regular or special called meeting of the Council after the vacancy occurs, the names of the members with equal seniority will be placed in a lottery with a single name to be drawn by the municipal clerk or deputy municipal clerk, who will then announce the name of the acting council president pro tempore who shall serve for the remainder of the then calendar year, at which time the election of a new council president pro tempore occurs based on the natural rotation, as provided in Code Section 2-36 (e), or for the duration of the term of office or until a special election can be conducted pursuant to the terms of Section 5-103 of the Charter, whichever occurs first.

(4) In the event that the council president pro tempore exercises all powers and discharges all duties of the mayor, and a council person exercises all powers and discharges all duties of the council president, temporary council vacancies shall occur in their seats which shall be filled pursuant to Code Section 2-37.

(5) If a special election shall occur, once such special election has been conducted to fill the office of mayor and council president and a new mayor and council president have been elected and sworn into office, the council president pro tempore exercising all powers and discharging all duties of the mayor shall immediately return to his/her council seat and shall resume his/her duties as council member and council president pro tempore or a new council president pro tempore shall be elected based on the natural rotation as provided in Code Section 2-36(e) depending upon which point in the calendar year the special election occurs; the council member exercising all powers and discharging all duties of the council president shall immediately return to his/her council seat and shall resume his/her duties as council member; the council member acting in the capacity of council president pro tempore shall no longer act in that capacity; and the persons appointed by council to fill the temporary council vacancy caused by this succession shall no longer serve in the capacity of council member.

(E) Vacancy in the office of mayor, office of council president and position of council president pro tempore.

(1) In the event the office of mayor, office of council president and the position of council president pro tempore shall become vacant by reason of death, resignation, or any other cause;

(a) The council member possessing the highest number of years seniority in terms of successive years of service on the council, shall immediately exercise all powers and discharge all duties of the mayor. If two or more council members are of equal seniority, upon the declaration of a quorum at the next held regular or special called meeting of the Council after the vacancy occurs, the names of the members with equal seniority will be placed in a lottery with a single name to be drawn by the municipal clerk or deputy municipal clerk, who will then announce the name of the council member to exercise all powers and discharge all duties of the mayor who will then announce the name of the

council member who shall exercise all powers and discharge all duties of the mayor and who shall serve for the duration of the term of office or until a special election can be conducted pursuant to the terms of Section 5-103 of the Charter.

(b) The council member possessing the second highest number of years seniority in terms of successive years of service on the council, shall immediately exercise all powers and discharge all duties of the council president. If two or more council members are of equal seniority, upon the declaration of a quorum at the next held regular or special called meeting of the Council after the vacancy occurs, the names of the members with equal seniority will be placed in a lottery with a single name to be drawn by the municipal clerk or deputy municipal clerk, who will then announce the name of the council member who shall exercise all powers and discharge all duties of the council president and who shall serve for the duration of the term of office or until a special election can be conducted pursuant to the terms of Section 5-103 of the Charter.

(c) The council member possessing the third highest number of years of seniority in terms of successive years of service on the council, shall act as the council president pro tempore. If two or more council members are of equal seniority, upon the declaration of a quorum at the next held regular or special called meeting of the Council after the vacancy occurs, the names of the members with equal seniority will be placed in a lottery with a single name to be drawn by the municipal clerk or deputy municipal clerk, who will then announce the name of the acting council president pro tempore who shall serve for the remainder of the then calendar year, at which time the election of a new council president pro tempore occurs based on the natural rotation, as provided in Code Section 2-36 (e), or for the duration of the term of office or until a special election can be conducted pursuant to the terms of Section 5-103 of the Charter, whichever occurs first.

(2) In the event that a council member exercises all powers and discharges all duties of the mayor and a council member exercises all powers and discharge all duties of the council president, temporary council vacancies shall occur in their seats which shall be filled pursuant to Code Section 2-37.

(3) If a special election shall occur, once such special election has been conducted to fill the office of mayor and council president and a new mayor and council president have been elected and sworn into office, the council member exercising the powers and discharging the duties of the mayor shall immediately return to his/her council seat and shall resume his/her duties as council member; the council member exercising the powers and discharging the duties of the council president shall immediately return to his/her council seat and shall resume his/her duties as council member; the council member acting in the capacity of council president pro tempore shall either continue to act in that capacity or a new council president pro tempore shall be elected based on the natural rotation as provided in Code Section 2-36(e) depending upon which point in the calendar year the special election occurs; and the persons appointed by council to fill the temporary council vacancies caused by this succession shall no longer serve in the capacity of council member.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby waived to the extent of any such conflict.